



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JAN 23 2003

Mr. Hobart Huson
220 Carolwood Drive
San Antonio, TX 78213

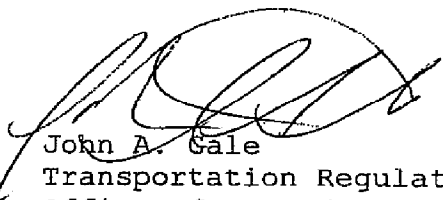
Ref. No. 02-0317

Dear Mr. Huson:

This is in response to your letter dated December 6, 2002, concerning the shipping paper requirements for a shipment consisting of non-hazardous materials and hazardous materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a non-hazardous material must be described on a shipping paper in the same manner as a hazardous material when transported together as a mixed shipment.

The answer is no. The HMR only apply to the transportation of hazardous materials in commerce. Therefore, the shipping paper requirements in Part 172, Subpart C do not apply to a non-hazardous material. However, a shipping paper that describes both hazardous materials and non-hazardous materials must comply with § 172.201(a)(1).

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



020317

172.201

BAAH
\$172.201

INFOCNTR

From: Husons [husons@earthlink.net]
Sent: Friday, December 06, 2002 3:53 PM
To: Infocntr, Infocntr <RSPA>
Subject: Nonhazardous Material Shipping Question

Shipping Papers
02-0317

Dear Sirs,

I was hoping your department could provide for me a letter of clarification regarding nonhazardous materials shipping.

I used to run a laboratory chemical distributorship. We sold and shipped many different hazardous and non hazardous chemicals. Because the CFR 49 only describes the regulations of hazardous materials, it has long been implied that any nonhazardous material was not subject to the shipping documentation required of hazardous materials. Specifically, there is no DOT requirement that nonhazardous materials be listed on a bill of lading or other shipping documents when being shipped. Only hazardous materials are required to be listed with their appropriate DOT and UN information etc.

I am currently in dispute with an agency that does not understand that when a nonhazardous material is shipped with other hazardous materials, my company was under no obligation to include a listing of nonhazardous materials as we would with any other hazardous materials within the same shipment. This agency will not accept for an answer that our assertion regarding nonhazardous materials may be merely implied by lack of instruction within the CFR 49. They require some proof on our part that this is more than an assumption of the rules.

Can your department please provide for me some sort of verification that a company is not required to list nonhazardous materials in shipping documentation as one would for hazardous materials? This would be greatly appreciated!

In addition - more out of curiosity than necessity on my part - it was my experience with shipping companies that when I would list all the various chemicals (both hazardous and nonhazardous) on the shipper bill of lading, we would invariably have our shipment halted or returned. The reason was that shipping personnel are not very familiar with chemicals and they all of them sound dangerous and hazardous to the uninformed. We would typically get a call from the shipper asking why we did not include the DOT and UN information for the other chemicals (the nonhazardous ones). Only after explaining the reason to the shipper would our shipments continue. It had been suggested to us by shippers to just leave off the nonhazardous materials in the future to avoid the problem. I do not know if you can comment on this as well, but is DOT aware of this kind of problem and, in part, agree with this practice? I would hope you do. It would further help my situation.

Very Truly Yours,

Mr. Hobart Huson
220 Carolwood Drive
San Antonio, TX 78213
Tel: 210-340-5183
email: husons@earthlink.net

Former Business:
The Science Alliance
1920 Treble Drive, Suite J1
Humble, TX 78213

12/6/02